

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

AT&T MOBILITY LLC,

Plaintiff,

v.

JAVIER HIDALGO, CHRISTOPHER
MARLBOROUGH, and HELEN LUCIANO,

Defendants.

Civil Action No. 2:11-cv-03907-SJF-AKT

**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO FILE AN OVER-LENGTH
MEMORANDUM OF LAW IN OPPOSITION TO AT&T MOBILITY LLC'S MOTION
FOR PRELIMINARY INJUNCTION**

Defendants Javier Hidalgo, Christopher Marlborough and Helen Luciano ("Defendants") respectfully request leave from the Court to file an over-length Memorandum of Law in Opposition to AT&T Mobility LLC's Motion for a Preliminary Injunction. A copy of Defendants' Memorandum, which totals 35 pages, is attached as Exhibit 1. Plaintiff does not oppose Defendants' request for relief from the default page limit. Plaintiff has already filed a similar motion in this case, which the Court granted on September 26, 2011. A copy of Plaintiff's Unopposed Motion for Leave to File an Over-Length Memorandum of Law in Support of AT&T's Motion for a Preliminary Injunction is attached as Exhibit 2.

Defendants require additional pages beyond the default twenty-page limit because of the

importance of the issues underlying its motion. Defendants are among 1109 AT&T customers who, represented by the same counsel, have each filed separate arbitrations that are each aimed at enjoining and/or remedying the potentially devastating effects of the \$39 billion merger between AT&T Mobility LLC and T-Mobile USA.

As Defendants explained in their motion to compel arbitration, these arbitrations provide the only method allowed under the consumer arbitration agreement between AT&T and Defendants for an individual to seek injunctive relief and other alternative remedies. In view of the potential stakes of each of these arbitrations—which involve a \$39 billion merger and are proceeding without the participation of T-Mobile, millions of affected AT&T and T-Mobile customers, competitors, and other interested parties—thorough and comprehensive briefing is warranted.

WHEREFORE, Defendants respectfully request that this Court grant Defendants' leave to file the attached over-length Memorandum of Law in Opposition to Plaintiff's Motion for a Preliminary Injunction.

Dated: September 26, 2011

Respectfully submitted,

BURSOR & FISHER, P.A.

By: 

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I, Scott A. Bursor, hereby certify that this motion and related documents were electronically filed and served on all counsel via the Court's ECF system.

/s/

Scott A. Bursor